

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

SEALED

THE UNITED STATES OF AMERICA ex rel.
CHRISTOPHER R. GOBBLE, ET AL.,
Plaintiffs,

v.

FOREST LABORATORIES, INC., ET AL.,
Defendants.

CIVIL ACTION NO.
03-10395 NMG

*FILED IN CAMERA
and UNDER SEAL*

SECOND AMENDMENT TO COMPLAINT

The Plaintiff Christopher R. Gobble, by and through his undersigned counsel, hereby amends Paragraphs 30, 62 and 63 of his Amended Complaint by adding thereto the following italicized facts:

30.

The patent protections on Celexa expire in July 2003 (for pediatric medicine) and January 2004 (for other prescriptions). Therefore, there was a push by Defendant Forest from the outset in 1998 to sell as much Celexa as quickly as possible. This emphasis on gaining market share for Celexa was implemented by FPI, although Celexa at low doses is not as beneficial as the competitor drugs. Clinical efficacy trials indicate no response to major depression at 10 mg. and 20 mg. doses. Efficacy is only seen at 40 mg. and it is only slightly better at 60 mg. 40 mg. of Celexa sells at the CVS pharmacies in Richmond for \$88.99 for a 30 day supply. Generic Prozac (fluoxetine) at 20 mg. sells for \$63.99 for a 30 day supply. Therefore, Celexa's cost is 28% higher than the cost of flouoxetine, which is a leading competitor drug. *Similarly, Lexapro is more expensive than equally, if*

Respectfully submitted this 2nd day of December, 2004.

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